IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 18817 of 2004

Between:

Smt. P.Vidyalatha, W/o.Aswath Narayana,aged 58 years,

Retired B.Ed.Assistant, St' Anns Girls High School,

Marcherla, Guntur District

..... PETITIONER

AND

1 The State of A.P., rep.by its Secretary,

Education Department, Secretariat, Hyderabad.
2 The District of School Education, Govt. of A.P. Hyderabad.
3 St' Anns Girls High School, rep.by its Correspondent,

Macherla, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more particularly one in the nature of writ of Mandamus to the respondents 1 and 2 to release the arrears of Grant-in-Aid as assessed by the auditors deputed by the 2nd respondent to the post of B.Ed., Assistant held by the petitioner in the 3rd respondent institution covering the period from 1-6-1985 to 31-10-1989 and accordingly calculate terminal benefits forthwith.

Counsel for the Petitioner: SMT.N.K.ANNAPURNA DEVI

Counsel for the Respondent Nos.1 and 2: GP FOR EDUCATION

Counsel for the Respondent No.3: --

The Court at the admission stage made the following:

ORDER:

The petitioner worked as a B.Ed.Assistant in the 3rd respondent School. He contends that as per G.O.Ms.No.344 Education dated 22.07.1985, the 3rd respondent School was admitted to grant-in-aid with effect from 01.06.1985. He further contends that as per auditors report, the 1st respondent has to release arrears for the period from 01.06.1985 to 31.10.1989 as per G.O.Ms.No.326, dated 17.10.1989. The grievance of the petitioner is that the 1st respondent has already released the arrears of grant-in-aid to some of the institutions, but not released to the 3rd respondent institution. Therefore, he approached this Court through this writ petition, seeking to direct the 1st respondent to release the arrears of grant-in-aid for the period from 01.06.1985 to 31.10.1989.

2. The learned counsel for the petitioner submitted that the controversy raised in a similar writ petition was already resolved by this Court in W.P.No.28532 of 1996, dated 27.3.1997, which was also affirmed by the Supreme Court in Civil Appeal No.2422 of 1997, dated 07.08.2000, and consequential orders were also issued by the Government in G.O.Rt.No.144, Education (PS-2) Department, dated 04.11.2000.

3. I have gone through the Judgment of the Supreme Court in Civil Appeal No.2422 of 1997 and also the G.O.Rt.No.144 dated 04.11.2000. Once the Government had issued an order, the petitioner is also entitled for the same benefit and the respondents cannot deny the same benefit to the petitioner.

4. Having regard to the facts and circumstances of the case, the respondents are directed to extend the benefit of G.O.Ms.No.326 dated 17.10.1989 and G.O.Rt.No.144 dated 04.11.2000 to the petitioner also, if he is otherwise eligible.

5. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Secretary, Education Department,

Government of Andhra Pradesh, Hyderabad

2. The District of School Education,

Government of Andhra Pradesh, Hyderabad

3. The Correspondent,

St.St'Anns Girls High School,

Macherla, Guntur District

4. Two CCs to the Government Pleader for Education,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies.